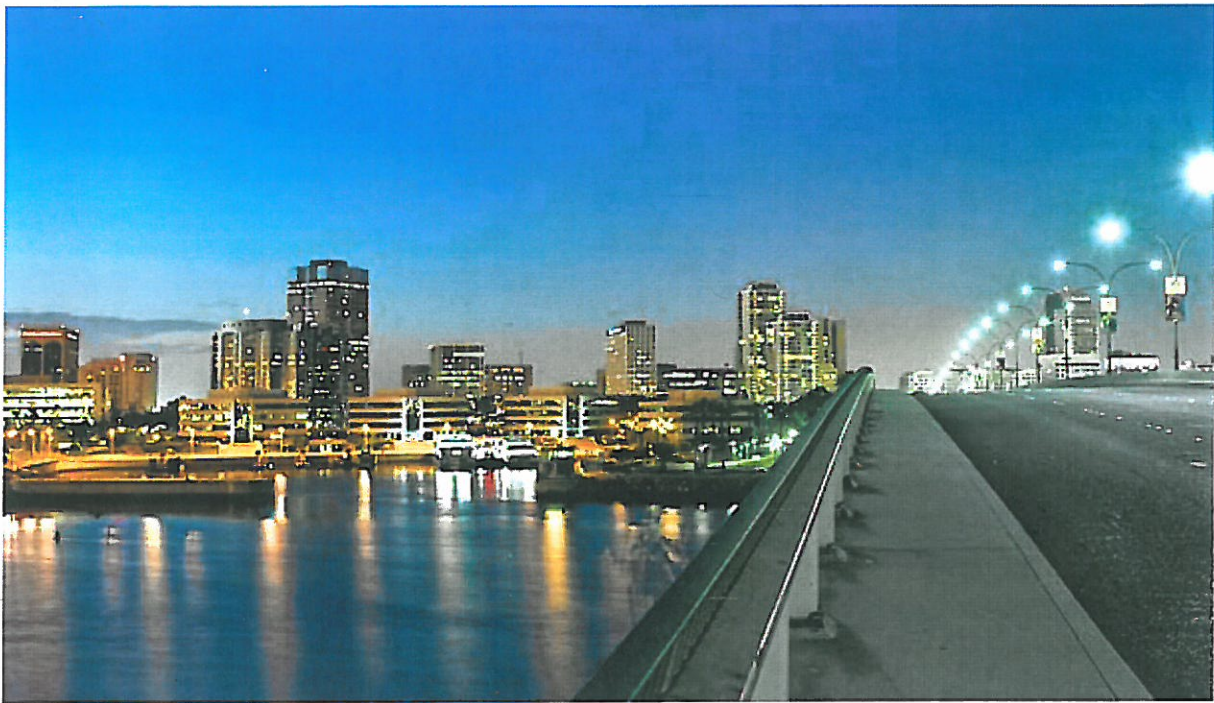




# CITIZEN POLICE COMPLAINT COMMISSION



## 2013 ANNUAL REPORT

333 West Ocean Boulevard, 13<sup>th</sup> Floor  
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[www.longbeach.gov/cpcc](http://www.longbeach.gov/cpcc)



# CITY OF LONG BEACH

## OFFICE OF THE CITY MANAGER

### CITIZEN POLICE COMPLAINT COMMISSION

333 West Ocean Boulevard, 13<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6891 • FAX (562) 570-7613

PATRICK H. WEST  
City Manager

ANITRA DEMPSEY  
Executive Director



I am pleased to present the Citizen Police Complaint Commission's (CPCC) 2013 Annual Report, which contains the final statistics for cases initiated, received, reviewed and investigated by the Commission within the 2013 calendar year.

During this, an important time in police community relations, the CPCC has accomplished a lot and recognizes that there is still work to be done. The Commission provides an opportunity for the public to voice complaints concerning alleged police misconduct with thorough, impartial and timely investigations. The citizens, businesses and visitors of Long Beach have a valuable resource in the CPCC.

I would like to acknowledge the Commission's executive staff and the Commission support staff from the City Clerk's Office for their diligence, awareness and dedication. On behalf of the Commission, I wish to extend my appreciation to Patrick H. West, City Manager, Suzanne Frick, Assistant City Manager, and Reginald I. Harrison, Deputy City Manager, for their support, advice and guidance. To my fellow Commissioners, a special thanks for your attentiveness, passion and commitment to the CPCC.

Finally, I want to thank the Long Beach community for your honest feedback, recommendations, and trust. We know that our work is not always easy, but it is necessary.

Respectfully,

  
COMMISSION CHAIR

## **EXECUTIVE SUMMARY**

This report reflects the number and disposition of complaints received, investigated and reviewed by the Citizen Police Complaint Commission (CPCC) during the 2013 calendar year. This report does not reflect the number of complaints and allegations received by the Long Beach Police Department during the same reporting period.

## **COMPLAINTS**

During 2013, 230 cases (79 received by the CPCC and 151 received from the LBPd) were reviewed by staff and the Commission. This represents a decrease in the caseload from 2012, which had 339 cases. Thirty-five cases, including 6 appeals, were presented to the Commission, which sustained nine allegations and recommended training on 34 allegations during 11 monthly meetings. CPCC staff handled 68 “public assists,” which are phone calls, emails and/or walk-ins that did not rise to the level of a formal complaint.

## **TRAINING**

In 2013, Commissioners received training and/or special presentations on the following topics: Use of Force, Racial Profiling, Laws of Arrest, Force Options, Electronic Control Devices, Search and Seizure, and TI Simulator, which allows the Commissioners to participate in “shoot/don’t shoot” scenarios.

## **COMMUNITY OUTREACH**

The CPCC staff and Commissioners conducted outreach to educate the community about its mission and functions. Collectively, the CPCC participated in and provided informational brochures at resource fairs, meetings and public forums, and made presentations to students, neighborhood groups and community-based organizations. Additionally, Commissioners were provided with a pocket guide, *Quick Facts for Commissioners*, as a resource when addressing community groups about the CPCC.

## **CONCLUSION**

In 2013, the CPCC saw a 32 percent decrease in its caseload compared to 2012.

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## **CITIZEN POLICE COMPLAINT COMMISSION (CPCC)**

Every person has the right to make a complaint against any employee of the Long Beach Police Department. The full Commission meets on the second Thursday of each month at 6:30 p.m., in the City Council Chamber, 333 West Ocean Boulevard, Long Beach. Complainants and community members are welcome to attend the Open Session and address the Commission. CPCC staff is available Monday through Friday, 8:30 a.m. – 5:00 p.m., or by appointment (562) 570-6891.

### **MISSION**

The mission of the Citizen Police Complaint Commission (CPCC) is to promote an atmosphere of mutual trust and respect between the community and the Long Beach Police Department, and to ensure that professional police services continue in Long Beach.

### **ABOUT THE CPCC**

On April 10, 1990, the voters of the City of Long Beach approved the creation of the CPCC by adding Sections 1150 – 1155 to the City Charter. This amendment authorized the CPCC to:

- ✓ Receive and provide an independent investigation/review of allegations of police misconduct with emphasis on excessive force, false arrest and complaints with racial or sexual overtones.
- ✓ Represent the Long Beach community by fairly and thoroughly reviewing the facts of an alleged incident.
- ✓ Recommend findings to the City Manager after a complaint has been investigated, reviewed and deliberated.

The CPCC is one of six Chartered Commissions established to provide feedback and input to the City Manager, Mayor and City Council on specified matters. Like all Commissions, the CPCC provides a rewarding opportunity for constituents to be directly involved in improving our community.

## **COMMISSIONERS**

Appointed by the Mayor and confirmed by the City Council, the CPCC has 11 Commissioners: one per council district and two at-large. Commissioners broadly represent the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public. Commissioners must reside in the City of Long Beach and can serve two, two-year terms.

The CPCC is a completely civilian organization whose findings and recommendations often provide valuable insight into the community's perception of the Police Department. This insight can assist with police personnel training and public relations. The CPCC is neither an advocate for the complainant nor for the police personnel. The CPCC cannot recommend discipline or penalty.

## **INVESTIGATIVE PROCESS**

A complaint can be made via the Citizen Police Complaint Commission (CPCC) in person, by phone, by mail, by email or fax. Complaints can be filed by someone not directly involved with the incident or anonymously.

A CPCC Investigator conducts an independent investigation. Internal Affairs (IA) also conducts a separate investigation. After IA completes its investigation, the cases are forwarded to the CPCC. Cases are briefed for the Commissioners to consider during the monthly meeting or are recommended to be closed No Further Action, if there is insufficient information to permit a resolution.

During the monthly Commission meeting, the Commission adjourns Open Session and re-convenes in Executive Session to discuss the cases and recommend findings on each allegation. Because each complaint is a personnel matter, the public is not allowed to attend the Executive Session. The Commission's findings are submitted to the City Manager.

The City Manager reviews both the Commission and IA findings, and provides the final disposition to the complainant in writing.

The average time it takes to process and investigate a complaint is between three and six months, however, each case is unique. Complex or lengthy investigations can take up to one year from the date the complaint is filed.

Complaints can also be filed directly with a Long Beach Police Department supervisor, the Watch Commander or the Internal Affairs Division (IA).

## Commissioners



**Susan Glogovac**  
2<sup>nd</sup> Council District



**Rick McGilton-McGlamery**  
3<sup>rd</sup> Council District



**Deborah Holland**  
5<sup>th</sup> Council District



**Thary Ung Phung**  
6<sup>th</sup> Council District



**Charlotte Roush**  
7<sup>th</sup> Council District



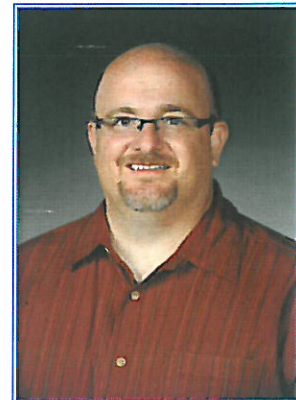
**Josie Castellanos**  
8<sup>th</sup> Council District



**Manuel Walker**  
9<sup>th</sup> Council District



**Brian Redar**  
At-Large



**Jeffrey Price**  
At-Large





**Citizen Police  
Complaint Commission**

## ATTENDANCE RECORD – 2013

Meetings: 2<sup>nd</sup> Thursday of every month, beginning at 6:30 P.M.

Council Chambers, 333 West Ocean Blvd., Long Beach, CA

Commissioner (District)	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Vacant (1)												
Glogovac, Susan (2) Appointed 7/12	P	DARK	P	P	P	P	EX		P	EX	P	P
McGilton- McGlamery, Rick (3) Appointed 1/08	P	DARK	P	P	P	P	P		EX	P	P	P
Vacant (4)												
Holland, Deborah (5) Appointed 10/11	P	DARK	P	P	P	P	P		P	P	P	P
Phung, Thary (6) Appointed 12/09	P	DARK	EX	EX	EX	P	P		EX	EX	EX	EX
Roush, Charlotte (7) Appointed 7/10	P	DARK	P	P	P	P	P		P	P	P	P
Castellanos, Josie (8) Appointed 07/13							P		P	P	P	P
Walker, Manuel (9) Appointed 07/12	P	DARK	P	P	P	P	EX		P	P	EX	P
Price, Jeff (At Large) Appointed 7/12	P	DARK	P	EX	P	P	P		P	P	P	P
Redar, Brian (At Large) Appointed 7/12	P	DARK	EX	P	P	P	P		EX	P	P	P

CHAIR: Charlotte Roush (Term: 7/12 - 6/13)

VICE CHAIR: Deborah Holland (Term: 7/12 - 6/13)

KEY: P = Present A = Absent

Ex = Excused Absence

DARK = No Meeting

R = Resigned

\*\* = Early Departure

■ = Non Commission

■ = Termed-out

DARK NQ = No Meeting/No Quorum

+ = Term Extended

■ = Vacant

UPDATED: 03/18/2013



## ALLEGATIONS AND FINDINGS

The CPCC has no control over the number of complaints it receives during a reporting period. A number of factors contribute to the increase/decrease in the number of citizen complaints, including public awareness of the Commission and its function, perception of police conduct toward the public, media focus and current community issues.

Of 230 cases, 483 allegations were reviewed in 2013. Staff closed 298 (61%) allegations with a No Further Action (NFA) finding. Examples of NFA findings are:

- The accused is not an employee of the Long Beach Police Department.
- The allegation was disproved by either independent witness(es) or physical evidence.
- The complaint was of police service, which is not a violation of Police Department policy.
- The complaint was deemed to have “judicial review,” such as a disputed parking citation.
- The facts and information are insufficient to permit resolution or warrant further investigation.
- The Complainant desired to retract the allegation(s).
- The actions of the officer regarding the allegation(s) were legal, necessary and proper under the circumstance.
- CPCC staff concurs with LBPD’s recommendation of “service” or additional training.
- The accused is no longer employed by the Long Beach Police Department.

NFA complaints can be re-evaluated or appealed to the full Commission if new information related to the original concern is found within one year of the complaint. Like all complaints, NFA complaints remain on file for the statutory period and may be considered when evaluating overall community/police relations.

The Commission rendered findings on 168 allegations in 2013.

Finding	Total	% of Total
Exonerated	26	15.4
Non Sustained	56	33.33
Other/Training	34	20.23
Sustained	9	5.37
Unfounded	41	24.40
Receive & File	2	1.19
<b>Total Findings:</b>	<b>168</b>	

**“Sustained” and “Other/Training” Findings by Type**

Allegation	# Sustained	# Training
Discourteous	0	2
Discourteous Remark	0	1
Fail to Care for Property	0	1
Fail to Investigate	1	4
Fail to Take Action	1	1
Harassment	0	1
Improper Entry	1	2
Misuse of Authority	0	3
Profanity	1	3
Unbecoming Conduct	4	7
Use of Force	1	8
Personal Search	0	1
<b>TOTAL FINDINGS</b>	<b>9</b>	<b>34</b>

## COMPLAINANTS BY RACE 2013

The percentage provided represents the total number of complainants, not the percentage of the total complaints. In some cases, there is more than one complainant per complaint, or in other cases, the racial background was not provided.

In 2013, 225 complainants identified their race.

	TOTAL	PERCENTAGE
African American	86	38.2%
Asian	3	1.3%
Caucasian	57	25.3%
Hispanic	50	22.2%
Other	5	2.2%

According to the 2010 census, African-Americans represent 13.0% of the Long Beach population; Asians represent 12.6%; Caucasians represent 29.4%; Hispanics represent 40.8%; others represent 4.2%. The Commission does not track factors that might explain why there are more or less complaints from certain groups.

## CPCC CASELOAD

<u>Reporting Year</u>	<u># of Cases</u>	<u>+/- to Prior Year</u>
2009	375	+30.67%
2010	268	-28.50%
2011	230	-14.17%
2012	339	+47.39%
2013	230	-32.15%

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## RECOMMENDATIONS AND ACTIVITIES

Recommendations from the Commission to the City Manager resulted in the Long Beach Police Department reviewing and/or updating its policies regarding:

- Comfort pets in public places
- Notification of parents/guardians when a juvenile is in custody
- Treatment and processing of arrested people who are lesbian/gay/bisexual/transgender/queer (LGBTQ)

The Commission's community outreach included:

- Collaboration with the Ministerial Alliance and youth groups after public concerns about use of force incidents
- Implementation of new database (IA Pro) to track cases and streamline investigative processes
- Filled expired Commission seats

The Commission recommends the following:

- Increase community visibility
- Update informational materials
- Commissioners to attend more community functions
- Decrease the length of investigation and time it takes to notify complainant of findings.

## TOTAL ALLEGATIONS INVESTIGATED IN 2013

<u>Categories</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Discourteous	90	48	16	8	7
Discourteous Remark	1	9	10	6	2
Dishonest	19	29	22	23	17
Fail to Book Evidence	1	1	3	0	0
Fail to Care for Property	50	21	23	16	11
Fail to Investigate	27	23	17	11	21
Fail to Take Action	28	12	29	27	23
Fail to Take Report	25	13	9	19	11
Gender Bias	2	1	1	1	0
Harassment	27	23	14	20	21
Harassment / Physical	0	10	7	5	0
Harassment / Sexual	1	0	0	3	0
Harassment / Verbal	2	1	7	9	5
Improper Arrest	35	23	4	22	7
Improper Detention	56	11	11	9	5
Improper Entry	10	5	11	4	8
Improper Remark	27	16	3	7	1
Intimidation	25	8	3	4	7
Misappropriation of Property	28	11	6	25	27
Misuse of Authority	18	5	9	13	10
Pending	2	1	0	28	1
Personal Search	19	6	5	7	7
Profanity	90	42	19	23	15
Racial Bias	8	10	11	9	7
Racial Profiling	24	31	12	28	22
Racial Remark	18	6	4	9	0
Residence Search	14	6	4	1	4
Sexual Misconduct	2	0	3	0	1
Sexual Remark	0	0	1	0	1
Unauthorized Tactics	3	4	0	0	0
Unbecoming Conduct	105	107	104	191	151
Use of Force	350	147	109	151	91
Vehicle Search	10	9	2	3	0
<b>*NOA = Number of Allegations Filed</b>	<b>1117</b>	<b>639</b>	<b>479</b>	<b>654</b>	<b>483</b>